IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5387 OF 2004

Mazda Fabrics Processors
Ltd. and Ors. ..Applicants
Vs.
Pankaj Kantilal Doshi
and Anr. ..Respondents
...
Mr.Rajender Singh i/b S.M.Jain for
Applicants
Mr.S.S.Pednekar, A.P.P. for the State
Mr.Prakash Naik for Respondent no.1
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 8,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of proceedings relating to Criminal Case No. 228/S/2002 which is pending before the Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai. In the said case, the process has been issued against the applicants under Section 138 of Negotiable Instruments Act. If the process issued against the applicant is set aside, the

proceedings in respect of the applicants would come to an end. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order passed today in Cri.Application No. 645 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court.

5. It may be stated that the stay has been granted by this Court to the proceedings before

the trial Court. The said stay is extended for a period of three weeks from today.

6. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing necessary parties.

7. Criminal Application is disposed of.

8. Office to issue authenticated copy of this order to the parties.

[V.K.TAHILRAMANI,J]